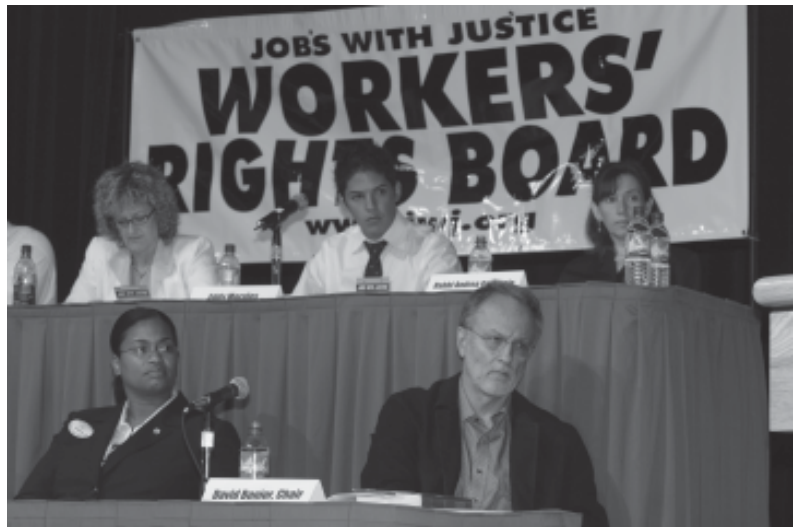


Wal-Mart: A People's Perspective

**A report based on
testimony at the Jobs
with Justice National
Workers' Rights Board
Hearing on Wal-Mart,
September 24, 2005.**



A project of Jobs with Justice.



A project of Jobs with Justice.

Members of the National Workers' Rights Board Hearing Panel:

Panel Moderator: The Honorable David Bonior, Chair- American Rights at Work

- ◆ Bill Fletcher, President- TransAfrica Forum
- ◆ Latifa Lyles, Vice President of Membership-National Organization for Women*
- ◆ Reverend James Orange, Chair- Georgia Coalition for the People's Agenda
- ◆ Eddy Morales, President- United States Student Association
- ◆ Karen Dolan, Director- Cities for Progress of Institute for Policy Studies
- ◆ Bishop Jesse DeWitt, United Methodist Church
- ◆ Suzi Weissman, Professor of Politics at Saint Mary's College of California & Pacifica Radio Host
- ◆ Horace Small, Executive Director- Union of Minority Neighborhoods in Boston, MA
- ◆ Rabbi Andrea Goldstein, Congregation Shaare Emeth in St Louis, MO*
- ◆ Missouri State Representative John L. Bowman, District 70*
- ◆ Julie Hurwitz, Former Executive Director- National Lawyers' Guild/Sugar Law Center for Economic and Social Justice

*Guest Panelist

For a complete listing of National Workers' Rights Board Members, see page 10.

Testimony Provided by:

- ◆ Rosetta Brown of Chicago, Illinois, worked at Wal-Mart for 7 years
- ◆ Brenda Houle of Whitehaven, Pennsylvania, worked at Wal-Mart for 5 years
- ◆ Johanne Desbiens of Jonquiere, Quebec, worked at Wal-Mart for 4 years
- ◆ Linda Ariki of UFCW Local 7 in Denver, Colorado, worked at King Soopers grocery for 32 years
- ◆ Sonja Gholston-Byrd of CWA Local 6320 in Southeast Missouri
- ◆ Jim Kabbell of IBT Local 245 in Southeast Missouri
- ◆ Miguel Laguna Laguna of Lidia Maradiaga Union at Presitex de Sebaco in Nicaragua
- ◆ James Thindwa, Chicago Jobs with Justice
- ◆ Carolyn Scalise, "Our Community First" Coalition in Bend, Oregon
- ◆ Harriet Applegate, Cleveland Jobs with Justice
- ◆ Bianca Encinias of the Southwest Network for Environmental and Economic Justice
- ◆ Rick Smith - Wal-Mart Association for Reform Now and the Wal-Mart Workers' Association
- ◆ Mary Crayton, Labor Task Force Committee of Trinity United Church of Christ
- ◆ Reverend Jim Sessions, East Tennessee Jobs with Justice

Copies of written testimony are available from Jobs with Justice.

Wal-Mart: A People's Perspective

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Thank You

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Roger Newell
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Carin Zelenko, International Brotherhood of Teamsters
Heidi Zwicker, Colorado Jobs with Justice

Report Summary

On September 24, 2005, members of the National Workers' Rights Board heard testimony from employees of Wal-Mart, competing grocers, distributors, suppliers, and community members from across the country and from other parts of the world about the impact of Wal-Mart's practices on their lives. The hearing, which was the most attended Workers' Rights Board hearing to date, took place at the Jobs with Justice National Annual Meeting in St. Louis, Missouri and highlighted several trends in the company's practices that negatively affect the people and communities where they place their stores.

The hearing panel heard testimony concerning workers' ability to organize and collectively bargain at Wal-Mart and at grocers located near Wal-Mart stores. The panel also heard about other issues facing workers and their communities such as health care, gender discrimination, and distributor/supplier practices at Wal-Mart. Additionally, community members spoke about Wal-Mart's impact on available jobs and their effect on the standard of living, the environment, traffic, and small businesses in their communities. The testimony closed with descriptions of the tactics Wal-Mart often implements to operate in communities around the country. Wal-Mart was invited to send a representative to present their perspective on these issues, but the company declined the invitation.

After each set of testimony, members of the National Workers' Rights Board had the opportunity to ask questions to testifiers. Once all testimony was complete, the board deliberated while members of the audience saw a premiere screening of Robert Greenwald's movie 'Wal-Mart: The High Cost of Low Price'. Upon return, hearing panelists issued recommendations for Wal-Mart. The National Workers' Rights Board pledged to publicly distribute their recommendations in report form, support nationally coordinated mobilizations and activities, and continue national conversations with key stakeholders. The Board's complete recommendations are on page 8.

Background of the National Workers' Rights Board

For the last twelve years, Workers' Rights Board (WRB) hearings have been used to promote greater awareness about the problems that working people face on the job and in their communities. Since 1993, local Jobs with Justice Workers' Rights Boards have brought together respected members of local communities to shed light on workers' rights abuses and to stand up for workers' rights. The local Workers' Rights Boards attempt to resolve situations where workers' rights are being violated in a variety of ways, including: investigating complaints, meeting with workers and employers, holding public hearings or press conferences, and participating in community events to raise awareness about workers' rights.

"During a time when the National Labor Relations Act and the National Labor Relations Board that enforces the Act are notably ineffective at protecting workers from their employers, and in the face of a growing union avoidance industry to stifle workers' right to organize and collectively bargain, Workers' Rights Boards have served as an alternative forum for workers' and their communities to express complaints and request support," said David Bonior as he chaired the National Workers' Rights Board hearing on Wal-Mart.

The National Workers' Rights Board is made up of high profile community leaders, nationally known academics and writers, celebrities, members of Congress, denominational leaders in the faith community as well as representatives from local WRBs. The Board makes a difference in people's lives by weighing in on issues at the heart of our communities affecting workers and their families on a broader geographical scale.

The National Workers' Rights Board investigates companies where similar worker violation claims occur in work sites across the country. In the past year, the National Workers' Rights Board has heard testimony from workers at the following corporations: Comcast, Wackenhut, Quebecor, and Angelica Laundry. In fact, their actions aided in a recent worker victory at Quebecor which resulted in 200 Kentucky workers

winning union recognition with GCIU. The National Workers' Rights Board also aided a victory at Angelica Laundry, where UNITE-HERE recently won new contracts for over 3,000 workers at two facilities with union representation and an agreement on a fair procedure for workers at Angelica's non-union facilities to form unions in an environment free from intimidation.

Background on Wal-Mart

Sam Walton opened the first Wal-Mart in Rogers, Arkansas in 1962, with the first Supercenter opening in Washington, Missouri in 1988. Over 40 years later, Wal-Mart is the nation's leading private sector employer, employing more than 1.2 million associates. Wal-Mart is reportedly the wealthiest company in the world, with approximately \$288 billion dollars in annual sales. In 2004, Wal-Mart opened 242 new Supercenters around the country, and they plan to open over 1,000 Supercenters over the next 5 years—exploring the possibility of expanding their market into urban centers such as New York and Chicago.

According to Wal-Mart's investor web site, "As of September 30, 2005, the Company had 1,253 Wal-Mart stores, 1,876 Supercenters, 555 Sam's Clubs and 95 Neighborhood Markets in the United States. Internationally, the Company operated units in Argentina (11), Brazil (151), Canada (261), China (49), Germany (88), South Korea (16), Mexico (730), Puerto Rico (54) and the United Kingdom (295)."

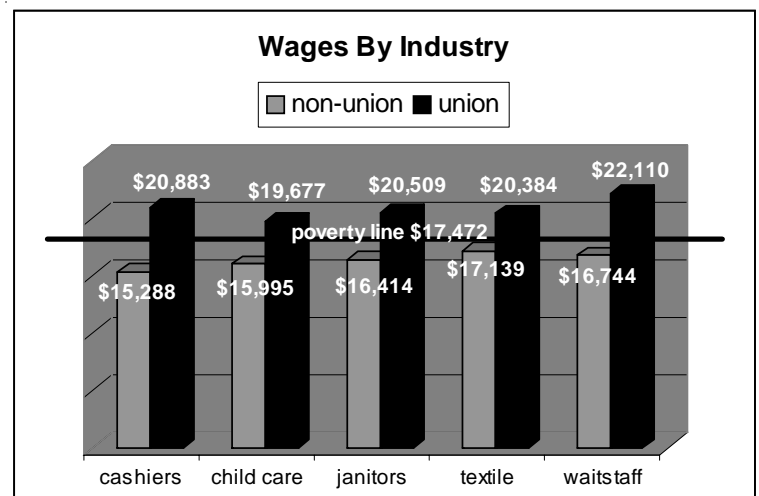
The Issues

Wal-Mart has been highly criticized for leading the attack against workers and their families, setting trends in union-avoidance tactics within the retail industry, engaging in gender discrimination, withholding health care, and endangering the environment among other things. These and other issues were raised by workers and community members at the September 2005 National Workers' Rights Board hearing in St Louis.

Organizing and Collective Bargaining at Wal-Mart

Although Wal-Mart says their 1.2 million associates are treated 'on average' better than workers at other retailers, they have been repeatedly accused of preventing their employees from forming the unions they desire.

Many Wal-Mart workers are among the more than 41 million workers who say they want a union. For individual workers, being a part of a union can mean the difference between living above or below the poverty line. Overall, workers who have unions earn an average of 26% more than workers who do not, and they are more likely to have health care, retirement plans, and other benefits. According to the US Department of Labor, union women earn an average of 33% more than non-union women, African American union workers 35% more, and Latino workers earn nearly 51% more when they belong to a union.



Source: US Census; BNA, 2001. (AFL-CIO)

The National Labor Relations Board has issued over 40 complaints in 25 states against Wal-Mart, including worker intimidation, firing union supporters illegally, and other union avoidance tactics.



Rosetta Brown

Rosetta Brown, a Wal-Mart employee in Chicago, Illinois testified to the National Workers' Rights Board, "I affirm that I have been witness to multiple instances of discrimination, the stifling of union formation, and employee rights violations by Wal-Mart." Having worked at Wal-Mart for 7 years, Rosetta has spent a lot of time attempting to organize a union so she and her co-workers can bargain for better wages, benefits, and simple dignity. In 1999, she was injured at work while locked in the store overnight. "The only way you could leave is if you were fired. If you left out the exit door you'd get fired," she noted. Wal-Mart has allegedly forced employees to continue working after they have clocked out. These accusations

reportedly led to a settlement in Colorado where the company was forced to pay over \$50 million in a lawsuit involving 69,000 workers. Although Rosetta managed to settle her personal injury case this year, she and her co-workers have yet to form a union to ensure that practices like these never happen again.

When workers have been successful in organizing a union at a store, Wal-Mart has often gone to extreme measures not to negotiate with them, including shutting down the department or even the entire store—though citing other reasons. For example, when meat cutters at a Supercenter in Jacksonville, Texas voted to form a union, Wal-Mart decided to close the butcher department at their stores nationally. When Wal-Mart workers in Jonquière, Quebec voted to form a union, the company closed the store completely.

Johanne Desbiens, a Wal-Mart worker in Jonquière Quebec, was one of the leaders of the campaign to join United Food and Commerical Workers (UFCW) Canada. She testified to the National Workers' Rights Board, "On February 1, 2005 we applied for arbitration. On February 9th the Minister of Labour informed us, and Wal-Mart, that the arbitration application was approved. Later that very same day Wal-Mart announced it would be closing the store in May because it was losing money. Clearly Wal-Mart's plan to shut our Jonquière store was to avoid arbitration and a first contract." It was indeed the first time there had been any mention that this particular store was allegedly not profitable.

On September 16, 2005, the Québec Labour Relations Board ruled that Wal-Mart closed the Jonquière store earlier this year as a reprisal against the nearly 200 workers who exercised their rights to join UFCW. After hearing four representative cases, the Board concluded that Wal-Mart had acted illegally and had in fact dismissed the workers for engaging in union activity.

Organizing and Collective Bargaining at Competing Grocers

Workers at grocers located near a Wal-Mart store claim that the Supercenters decrease their ability to bargain with their own employers when Wal-Mart comes to the community. These other companies often have a difficult time competing with Wal-Mart's low prices without slashing the wages and benefits of their own workers.

Linda Ariki, who works for a competing grocer in Denver, Colorado, is a proud member of her union, UFCW Local 7. Her mother was once employed at Wal-Mart, and she noted a distinct difference in the quality of her job at King Soopers and her mother's position at Wal-Mart. Linda testified that her ability to negotiate better conditions with her employer was affected by Wal-Mart. According to Ariki, "During the course of our negotiations, they said they needed to stay competitive with Wal-Mart profits and Wal-Mart didn't pay for any health benefits, and the wages Wal-Mart employees received were not comparable to King Soopers." She later added, "King Soopers, Safeway, and Albertsons are following suit with what Wal-Mart believes is a living wage and how to rip off the working class by not giving them the basics of what it takes to live."



Linda Ariki

Wal-Mart and the Walton Family Foundation support the growing union avoidance industry by funding the anti-union National Right to Work Legal Defense Foundation, an organization whose mission is to impede the ability of workers nationwide to organize and collectively bargain. Clearly Wal-Mart views organized workers anywhere as a direct threat to their business, not just their own workers.

Wal-Mart and their Suppliers

As a leading industry retailer, Wal-Mart can make extreme demands on its suppliers who depend on the company for business. Both within the United States and around the world, suppliers feel forced to cut corners in order to meet Wal-Mart demands. In “Field Guide to the Global Economy” Sarah Anderson, John Cavanagh, and Thea Lee note the specific case of Levi, a supplier of jeans to Wal-Mart, noting “...getting a Wal-Mart contract boosted profits but forced the firm to close its remaining U.S. and Canadian factories in search of cheaper labor.”



Sonja Gholston-Byrd, Jim Kabbell, and Miguel Laguna

With 61,000 suppliers in the United States alone dependent on Wal-Mart business, the company still aims to cut factory supplier costs by 20% over the next 5 years. Jim Kabbell, who works with dairy suppliers in southwest Missouri, testified that “In 2000, our Teamsters Local was involved in a nine week lock out from a grocery distributor directly because of the impact of Wal-Mart on our contract negotiations. They wanted to kick out all of our drivers, and they wanted to sub-contract that work.”

Overseas, Wal-Mart suppliers have been accused of child labor abuses, long hours without overtime, health and safety hazards, and both verbal and physical worker abuse. Miguel Laguna was a worker for Presitex in Nicaragua, a supplier of clothing for Wal-Mart, before getting fired for union activity. He told the National Workers’ Rights Board, “We have no work place hygiene, long continuous work hours, bathroom breaks are all too short, verbal and physical abuse, and very importantly—pregnant women have no maternity leave.” Presitex fired 750 of its 3,000 workers for organizing a union.

Small Businesses and Wal-Mart

Linda Ariki’s story is all too common, and workers in her situation often find themselves strange bedfellows with their own employers. Small businesses struggle to keep their stores open when forced to compete with Wal-Mart. According to Wal-Mart Watch, “Ten years after Wal-Mart expanded in Iowa, 555 competing grocery stores had closed; plus 298 hardware stores, 293 building suppliers, and 116 pharmacies.”

In Cleveland, Ohio, where Wal-Mart is attempting to build yet another store, the workers, managers, and owners of Dave’s Grocery, a local small business, find themselves uneasy. In a statement from the owners of Dave’s Grocery they boast that “265 employees have worked for us for more than 10 years, and all Dave’s employees are members of UFCW Local 880 or IBT Local 19.” Their record indicates that they have a good reputation with the Cleveland community, but a Wal-Mart could threaten their ability to continue building this relationship, if not their existence.



Carolyn Scalise

In many communities, workers and community members are joining small businesses to address Wal-Mart's impact on their standard of living. In Bend, Oregon, the "Our Community First" coalition is comprised of Central Oregon Jobs with Justice, union members, neighborhood groups, and area businesses just to name a few. Carolyn Scalise reported to the National Workers' Rights Board, "What brings this group together—and keeps it together—is the common belief that Wal-Mart is a predatory company that cares more about increasing corporate profits than it does about the health and well-being of our community."

Coalitions like this one have been successful in keeping Wal-Mart out of some communities, or have held the company accountable to various community standards.

In Chicago, Illinois for example, a coalition of community members, faith groups, unions, and small businesses were successful in keeping Wal-Mart out of the south side of the city. Through postcard campaigns, town hall meetings, actions on the city council, and a hearing of Chicago's local Workers' Rights Board, the "Alliance for Justice at Wal-Mart" coalition is pushing for a community benefits agreement to keep Wal-Mart and similar 'big box' stores accountable to the Chicago community.

Health Care at Wal-Mart

Outside of violations of basic workers' rights cited by its employees, Wal-Mart has been most criticized for its weak health care coverage. Though struggling like all employers with increased health care costs industry-wide, Wal-Mart still spends far less than the most employers on health care costs, trailing the national average by more than \$2,000 per worker each year. On October 26, 2005, the New York Times reported that it had uncovered an internal memo from Wal-Mart executive vice president for benefits, M. Susan Chambers. The memo highlighted Wal-Mart's plans to cut health care costs by implementing such strategies as hiring more part time workers and hiring younger, healthier workers, noting in one objective "Design all jobs to include some physical activity (e.g., all cashiers do some cart gathering)."

Wal-Mart's health care policies have also altered other grocers' willingness to provide health care for their employees. Linda Ariki, the grocery store worker from Denver, noted, "We lost a portion of our contract including our pension, and we have to pay more for our health care."

Wal-Mart has begun reviewing its health care policies after coming under public fire for providing health care for less than 45% of their workers. Many Wal-Mart workers are forced to seek care from taxpayer subsidized health care programs such as Medicaid. According to Wake-Up Wal-Mart, an organization founded by the UFCW, "In 13 states that have released the data, Wal-Mart forces more employees to rely on taxpayer-funded health care than any other employer." This has many communities up in arms, as they recognize that they are subsidizing the retail giant's health care costs in order for the company to make a larger profit.

Some states and municipalities have debated and passed legislation requiring Wal-Mart and other retailers of a similar size to provide a certain percentage of their employee's health care costs. Often grouped under the umbrella title "Fair Share for Health Care," these bills aim to decrease the burden of subsidizing health care costs for retail giants.

Gender Discrimination at Wal-Mart

Communities of color, disabled workers, and LGBTQ communities have all accused Wal-Mart of blatant discrimination. Although the company has established an Office of Diversity, the Equal Opportunity Commission has still filed more suits against Wal-Mart for cases of disability discrimination than it has against any other corporation.

Women in particular have united in a class action lawsuit against Wal-Mart for gender discrimination. The national class action case, *Betty Dukes v. Wal-Mart Stores*, is reportedly the biggest gender discrimination lawsuit against a private sector employer in the United States. Although over 60% of Wal-Mart's associates are women, barely 33% actually hold manager positions according to Liza Featherstone's "Selling Women Short". Women rarely get promoted, and they make 5-15% less than men doing the same job at the company. According to Featherstone, "As a woman advances upward in Wal-Mart hierarchy, she actually faces even more dramatic pay disparities with her male counterparts."

Brenda Houle, who worked at Wal-Mart for 5 years, had a personal experience with sex discrimination. She alerted the National Workers' Rights Board panel that "When I asked about the {manager} training program, I was told that despite the fact that I was the type of employee who won awards for my performance, I was not ready for it." When Brenda began working at Wal-Mart, she was propositioned by an assistant manager who wanted her to meet him at a hotel room. A few years later, that same man became the manager of her store. "I was approached by the store manager of the Hazleton Store #2255 and was told that I didn't need any floor experience to make it into the Assistant Manager Training Program... all I needed was 'willingness'." After observing men who held the same position she did making more money than her despite her greater experience, her manager made her feel her only hope of getting a promotion was to give him sexual favors—a blatant example of sexual harassment.



Rosetta Brown and Brenda Houle

Wal-Mart and the Environment

Wal-Mart is frequently accused of violating environmental laws, even forcing their suppliers to use unhealthy environmental practices in order to keep costs low. In 2004, Wal-Mart paid \$3 million for violating the Clean Water Act because they allowed excessive storm water run-off from their construction sites. The run-off may have contained pesticides, chemicals, solvents, and other toxic substances. The Reverend Jim Sessions of Knoxville, Tennessee and a member of East Tennessee Jobs with Justice noted, "Wal-Mart's relentless expansion causes loss of open space, traffic and air quality problems, and pollution of our watersheds."



Bianca Encinias and Rev. Jim Sessions

Other rural communities feel that Wal-Mart's environmental practices actually make them dependent on Wal-Mart for basic necessities such as food, instead of being able to grow it themselves. Bianca Encinias of the Southwest Network for Environmental and Economic Justice (SNEEJ) noted about her home state of New Mexico, "Wal-Mart moved in, and they were able to get a permit to change the zoning in the area...taking away farming land and making us dependent on the Supercenter to buy our food."

In addition to traditional environmental issues, Wal-Mart has also been criticized for being culturally insensitive as to what land they build on. Encinias stated, "In Hawaii, at an ancient burial site, Wal-Mart removed the bones of the people buried there and built the Wal-Mart on the sacred site" against the community's wishes.

Wal-Mart's Message & Strategy

Wal-Mart Jobs vs. No Jobs

When coming into a community, Wal-Mart often establishes itself as a provider of jobs, especially where other jobs may be scarce. But community groups argue that Wal-Mart's low prices come at an extremely high cost, driving down wages and destroying benefits for workers industry-wide, and even forcing communities to subsidize not only their workers health care, but the building and maintenance of their facilities. James Thindwa of Chicago Jobs with Justice put it this way; "The two communities that Wal-Mart picked (in Chicago) share a number of vulnerabilities; one being that they're both African-American with high unemployment." He later continued, "The pool of unemployed workers who weren't informed to look beyond (Wal-Mart's) false choice can be quite susceptible to the argument that you take any job and it's better than no job at all. Jobs at any price."

Wal-Mart has also been accused of targeting low-income rural and urban communities with promises of jobs and low prices, often pitting residents badly in need of jobs against unions and other groups demanding good jobs. Said Mary Crayton of Trinity United Church of Christ in Chicago when talking about their battle with Wal-Mart, "One thing that was divisive was that this became a 'union issue'. This has to be a justice issue! This is a community issue!" These divisive tactics often racialize the discussion, distracting community members from talking about Wal-Mart altogether. Said Thindwa, "In the City Council hearings, we ended up debating how racist unions were rather than debating the merits of the case against Wal-Mart."

Wal-Mart Products vs. No Products

Wal-Mart defends itself against many of the criticisms raised by citing the need for low prices for its generally low-income consumer base. The company has even come out in favor of increasing the minimum wage for its consumers, though doing little to address the wage levels of its own employees. However, what Wal-Mart does not often highlight is its impact on consumer choice. "One cannot help but wonder about the parallel development of big box houses and big box stores and big box churches," started the Reverend Jim Sessions of Knoxville, Tennessee, "Retail goods and retail religion, one-stop shopping and one-stop spiritual uplift, one selling cheap goods and one selling cheap grace."

Recommendations of the National Workers' Rights Board

Upon returning from deliberations with the rest of the National Workers' Rights Board, Bill Fletcher, a National Workers' Rights Board member and president of TransAfrica Forum, remarked "Wal-Mart is for our generation what the Ford Motor Company was for an earlier generation. Ford intimidated workers with surveillance, firings, and worse. At the same time it sought to buy off opponents through community contributions and donations as well as cultivating a cadre of ministers who were willing to praise Ford and condemn unions. It was through a partnership between the NAACP, the National Negro Congress, and the United Auto Workers that Ford was finally organized and held accountable to the people of the United States; an important lesson in how we should take Wal-Mart to task."

In outlining the panel's final position, David Bonior, the hearing moderator, stated "Wal-Mart can do better! The company depends on the communities it resides in for both workers and consumers."



David Bonior

In their panel position, the National Workers' Rights Board responded that as an industry leader, Wal-Mart should:

- ◆ increase the standards for the treatment of workers and their families
- ◆ allow workers to organize without interfering
- ◆ recognize a union once it has been formed either by card check or by NLRB election
- ◆ bargain in good faith with the unions their workers form to guarantee living wages, affordable health care and benefits, and above all, dignity- especially for women, people of color and other historically underrepresented workers

The position further states that Wal-Mart shouldn't just strive to bring jobs to a community. Wal-Mart should bring good-paying jobs to our communities, offering living wages, affordable health care and benefits, and dignity, recommending that Wal-Mart should remain accountable to the community regarding:

- ◆ determining where to build a store
- ◆ hiring local union contractors and respecting community regulations and zoning laws
- ◆ respecting and contributing to its environmental well-being in part requiring its suppliers to use safe and healthy environmental practices and not forcing them to drive their costs down unreasonably and by not being the source of community divisions

Karen Dolan noted in her closing comments, "For us to continue, our communities all have to be sacred spaces, and in our sacred spaces there is no room for business practices like those at Wal-Mart."

The National Workers' Rights Board hearing panel pledged to send a letter to H. Lee Scott to alert him of its recommendations. They also pledged to make this report available for use in local efforts to organize workers and/or demand municipal oversight and community accountability for an incoming Wal-Mart store.

Last, they pledged to continue national and local efforts to pressure Wal-Mart to shine light on this issue, supporting laws that aid in keeping Wal-Mart accountable to the workers and the community.

Towards the end of his testimony, Rick Smith of the Wal-Mart Workers' Association in Florida reminded everyone that "It's not about stopping Wal-Mart's expansion in the end. It's about making them a better company and corporate citizen."

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- ♦ Dr. Elaine Bernard, Executive Director, Harvard University Labor and Worklife Program
- ♦ Julian Bond, Chairman, NAACP
- ♦ The Honorable David Bonior, Chairperson, American Rights at Work
- ♦ Heather Booth, Campaign consultant and organizing trainer
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- ♦ Representative Sherrod Brown, Ohio (13th District), U.S. House of Representatives
- ♦ Dennis Brutus, Professor Emeritus, University of Pittsburgh
- ♦ Father John Celichowski, Pastor, St. Martin de Porres Catholic Church
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- ♦ Bishop Jesse DeWitt, United Methodist Church
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